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(HANSARD)

Thursday, May 10, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, May 10, 2018

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE NANCY GREENE RAINE, O.C., O.B.C.

The Hon. the Speaker: Honourable senators, I received a notice from the leader of the opposition who requests, pursuant to rule 4-3(1) that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Nancy Greene Raine, who will retire from the Senate on May 11, 2018.

I remind senators that pursuant to our rules each senator will be allowed only three minutes and they may speak only once, and the time for tributes shall not exceed 15 minutes. However, these 15 minutes do not include the time allotted to the response of the senator to whom tribute is paid.

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, today we bid a fond farewell to a friend and colleague, the one and only Senator Nancy Greene Raine. Fifty years ago, she captured the imagination of Canadians by winning the Olympic gold medal in the giant slalom in Grenoble, France. Her place in Canadian history is well assured. Today, as Senator Raine takes her retirement from the Senate of Canada, she can be secure in the knowledge that she has had a positive impact on this place as well.

Simply put, there is no one like Nancy Greene Raine. I could spend my entire allotted time listing all of her achievements and awards, but I'll just name a few: 1968 Olympic gold and silver medallist in alpine skiing, World Cup champion, Officer of the Order of Canada, Officer of the Order of British Columbia, Canada's female athlete of the 20th century. The list goes on and on!

[*Translation*]

The discipline and determination she demonstrated as a world-class athlete have served Nancy Greene Raine well in her work here in the Senate of Canada. Senator Raine was appointed to the upper chamber in January 2009 on the advice of our former Prime Minister, the Right Honourable Stephen Harper, to represent the province of British Columbia.

[*English*]

Over the past nine and a half years, she has faithfully and cheerfully performed her duties and has served as a member on numerous Senate standing committees. She has done this in spite of a serious health challenge she has faced in recent times.

It is no surprise that much of the work Senator Raine has undertaken here in the Senate has centred around the promotion of healthy and active living. In 2014, Senator Raine saw a private bill she co-sponsored, Bill S-211, receive Royal Assent, setting the first Saturday in June as our National Health and Fitness Day.

She has also been a driving force behind the annual Ski Day on the Hill. Our colleague has remained an active participant right up until the end of her work in Canada's Parliament, as her private bill, Bill S-228, to prohibit food and beverage marketing to children is currently before the other place.

I know I speak for all senators — I won't say just Conservative senators — and indeed honourable senators when I say that we will certainly miss you, Nancy. However, we know that retirement for our colleague means more time at home in her beloved British Columbia to ski and be close to her family. Next year Senator Raine and her husband Al will celebrate 50 years of marriage, which is a tremendous milestone.

Hon. Senators: Hear, hear!

Senator Smith: We wish you and Al all the best as you begin the next chapter of your life.

My little addition to this: As an athlete, I've spent a lot of years in sports. When I walked into the room as a rookie, the first thing I noticed was people looking at you and checking you out. When you look at Nancy Greene Raine, what do you see? Fire in those eyes, so you knew when she was going to compete, she was going to beat you in anything that you tried to compete against her in. That is a sign of a true athlete. You look at the eyes, you see the fire and you know there are a lot of good human values behind that personality. Nancy, congratulations.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I would like to rise in tribute to our departing colleague, the Honourable Nancy Greene Raine. I think there are other colleagues in the chamber who remember, as I do, the celebration all over Canada in 1968 following the Olympic performance by Nancy Greene, which Senator Smith already referenced. It was an exciting Grenoble games. Our colleague brought home two thirds of Canada's medals; that is, she brought home a gold and a silver. The other one, by the way, for those of yoo are wondering, was from the one we're happy to report, hockey, but it was a bronze.

Three medals for the Winter Games at Grenoble are a far cry from the 29 medals our athletes brought home from the Pyeongchang Olympic Games last winter. A lot has changed in 50 years. Canada has become a nation celebrating and embracing excellence in sports, particularly winter sports, and we have also gained an understanding that the journey to the podium is a very long one. It's a journey that starts with healthy, active kids, and that journey is one that Senator Greene Raine has embraced as her own in this chamber and beyond.

• (1340)

Long after she earned our admiration as an athlete, she earned our respect as an advocate for health, wellness and fitness. Across Canada, during our long winters, kids spent their weekends away from screens and on skis as part of the Nancy Greene Ski League.

While an Olympic career may only be a dream for many of us, all of us have learned how much fun it is to get outside in the winter and embrace the adrenalin challenge of downhill skiing.

She has also been an ambassador for her beautiful home province of British Columbia, and together with her husband, Al, Senator Greene Raine has been instrumental in building a tourist industry in the mountains and valleys of British Columbia and has helped make its winter resorts world-class destinations for people around the world looking for beauty and adventure, which is so often found here in Canada.

[*Translation*]

In the Senate, during committee meetings and here in the chamber, we have observed Senator Raine's dedication to promoting the health and well-being of Canadians. As Senator Smith mentioned — and this is coming up soon — we will celebrate National Health and Fitness Day on the first Saturday in June thanks to a bill Senator Raine introduced in 2014.

[*English*]

Of course, as again Senator Smith has referenced, Bill S-228 is now in the other place to prohibit the marketing of unhealthy food and beverages to children, a theme Senator Greene Raine has raised in her speeches on this bill. The wellness of children, children's health and children with their parents ensuring their well-being and healthy lifestyle will continue to be upheld in this chamber, senator, even in your absence.

It takes a nation to raise healthy, fit children, any one of whom could one day become an Olympian. We would be recognizing Senator Greene Raine in that success.

In closing, senator, let me say thank you for your inspiration, your leadership over a career as an athlete, world champion, Olympian, role model, community builder, parliamentarian and passionate advocate for healthy and active Canadians. You leave a stunning legacy. We are in your debt and admiration. Thank you.

Hon. Yuen Pau Woo: Colleagues, it is an honour for me to add a few words of tribute to the Honourable Senator Nancy Greene Raine. Please indulge me if I repeat some of the points already raised, but these are points that are well worth repeating.

Fifty years after careening down a ski mountain to win Olympic gold in France, she will soon descend the gentler slopes of Parliament Hill to claim another victory, a well-deserved retirement after nine years of service in the Senate representing British Columbia.

Senator Greene Raine was already a legend before she entered the Senate. Over her nine years as a competitive alpine skier, Senator Greene Raine had 14 World Cup victories and won 17 Canadian championship titles. She was Canadian athlete of the year in 1966 and 1967, and in November 1999 she was named Canada's female athlete of the century.

She is a member of both the B.C. and the national sports hall of fame.

Given the magnitude of her achievements in sport, it would not be surprising if Canadians remember Senator Greene Raine more for her skiing prowess than for her work in Parliament. But that would be a pity because her time in the Senate was marked by a dedication to issues of health and wellness that was built in part on her sporting success. The fact that we celebrate National Health and Fitness Day every first Saturday in June is, after all, due to her 2014 bill.

More recently, her proposed child health protection act, now at third reading in the other place, which would prohibit the marketing of unhealthy foods and beverages to children, came out of a study by the Senate Committee on Social Affairs looking at rising rates of obesity in Canada. Senator Greene Raine was, of course, a member of that committee and a driving force for the study.

I count myself fortunate to have arrived in the Senate in time to vote in support of this bill in September 2017.

As a senator from British Columbia, Senator Greene Raine dedicated her attention to the Thompson-Okanagan-Kootenay region of the province, which she calls home. She is a champion for the sub-regions of British Columbia and has long advocated for sub-regional representation in the Senate appointment process. Having lived in different parts of the province, she knows about the differing needs and challenges of the different parts of B.C.'s diverse geography.

Outside of the Senate, our colleague played a vital role in the development and promotion of ski tourism in British Columbia, first at Whistler and later at Sun Peaks Resort, where she continues to serve as the resort director. Closer to where I live, her name adorns the road leading up to Grouse Mountain, which is one of the most popular tourist destinations in the Lower Mainland.

In years to come, when visitors make their way up Nancy Greene Way and ask, "Who is this person?" let the answer be that she was a champion skier and a distinguished senator who was proud of her country and who made her country proud.

On behalf of the Independent Senators Group, I wish Senator Greene Raine a happy and healthy retirement and lots of ski days ahead.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable colleagues, as Senator Woo has stated it already, some of what I have to say will be repetitious, but the accomplishments are so fantastic they are well worth repeating, so you'll forgive me in that regard.

When most of us arrive here in the Senate, we are relatively unknown to the vast majority of Canadians. We might carry some cachet in our home provinces or in the field of work that we have done, but most of us are not household names. Not so for our colleague Nancy Greene Raine.

An entire generation of Canadians grew up knowing Nancy Greene, the alpine skier and Olympian. She won gold and silver Olympic medals and a record 14 World Cup victories over the course of her skiing career. She was named Canada's female athlete, not only of a particular year, not of a decade, but of a century, which is absolutely amazing.

Children across the country learned to ski at schools bearing her name, and you will even find some of them, now adults, amongst us here in this chamber or among our staff.

After such a successful career on the tricky snow-covered slopes, it should surprise no one that she quickly found her feet upon arriving here in the Senate.

She has served with distinction for more than nine years. During her time, she has been a member of the Standing Senate Committee on Aboriginal Peoples, the Standing Senate Committee on Fisheries and Oceans, and the Standing Senate Committee on Social Affairs, Science and Technology.

As is fitting, she has also been a passionate advocate for physical activity and healthy living for Canadians young and old. Because of her efforts, we now celebrate National Health and Fitness Day on the first Saturday in June.

Her newest bill, one that would prohibit marketing food and beverages directly to children, passed this chamber unanimously and is currently being considered in the other place.

Senator, though you will be retiring at the end of this week, I am confident that you will not rest on your medals.

On behalf of the Independent Senate Liberals in this chamber, I wish you the very best for the next chapter in your remarkable life as well as good health and happiness for you and your husband, Al, and your children and grandchildren.

Thank you for your service to Canada.

Hon. Senators: Hear, hear!

• (1350)

EXPRESSION OF THANKS

Hon. Nancy Greene Raine: Thank you very much. Honourable senators, I remember when I first came here how strange it felt to be called "senator." Now it's become normal, and I have to admit, I'm going to miss it.

I have been here since January 2009, and it has been a real honour and a privilege for me to do the work, to review the legislation, as well as to serve on four committees. I have loved it. I have really enjoyed it.

My term in the Senate has seen moments of drama and sometimes of stress. The audit, for example, was really tough. I do feel that the Senate, as an institution, has survived and will be stronger for all the self-analysis that is still ongoing.

I have really appreciated serving on the committees. I asked to go on the Aboriginal Peoples Committee because I knew how important these issues are to people in British Columbia. I have appreciated so much serving on that committee and being even more aware of the many issues facing First Nations, Metis and Inuit people across Canada.

Through these years, I have come to understand the depth of their cultures and the strengths that they have as individuals. I am confident that the future for Indigenous Canadians will be better than what they've had to endure in the past. I'm happy that the Senate is currently engaged in a very important study looking forward to the future for our Indigenous people.

However, there really still is a big job to be done to educate all Canadians about the treaty rights of First Nations. When I attended the national truth and reconciliation event held in Vancouver in September 2013, it was a very moving experience for me. It gave me a new insight into the multi-generational trauma of residential schools. I know how hard Senator Sinclair has worked on this file and throughout the process, and how emotionally difficult it is for anybody who really gets engrossed in these issues.

I have really enjoyed getting to know all the senators on the Aboriginal Peoples Committee, especially Senator Dyck, whom I consider a real friend now, Senator Lovelace Nicholas and, more recently, Senator Christmas, Senator McCallum and Senator Boyer.

Most of all, I appreciated learning from Senator Patterson, along with retired Senator Watt, about the Inuit people. It was a real pleasure to experience their hospitality and the beauty of Nunavut and Nunavik on one of our committee trips.

Some of the most memorable moments for me in the chamber were when the First Nations, including four from British Columbia, came here for the signing of modern-day treaties, some of them including agreements for self-government. Each occasion was a culmination of many years of negotiation and were both historic and very emotional.

On one occasion, I remember us senators giving the people on hand in the gallery a standing ovation, only to receive from them a standing ovation in return. The bond in that moment was absolutely palpable.

My time spent on the Fisheries and Oceans Committee let me experience seeing all of Canada's oceans and included visits to Newfoundland, Nova Scotia and the B.C. coast, visiting some of Canada's most iconic light stations and meeting the lightkeepers and their families. I am very pleased that Senator Bovey has agreed to keep an eye on the lighthouses, just as I had agreed to when I was asked by former Senator Pat Carney. Notwithstanding new technology, the eyes and ears of humans still play an important role in security along our coasts.

Our committee travel has always been congenial. In fact, as you new senators will start to learn, as a group, we are always congenial. We debate and we have different points of view and different experiences, yes, but we respect each other and get along. It just gets better all the time.

Sometimes, though, you can have amazing experiences. I'll never forget the example when Senator Munson literally sprang into action into the ocean in Norway to rescue Senator Hubley when she fell in when we were checking out fish farms in Norway. That was amazing. He is not here today, but I told him I was going to mention that, and he got a chuckle.

We all know that the work we do as senators is important. Our committee studies are sort of like mini-royal commissions at a fraction of the cost. Of course, we don't do it alone. I want to now thank the committee clerks, and especially thank the Library of Parliament analysts who do so much to help us produce excellent reports.

There are many ways to make a difference in this chamber. I remember becoming aware, really through the Agriculture Committee, that the maple syrup industry was facing some problems. They had come together over many years, all the jurisdictions that produce maple syrup, and agreed on a common nomenclature for how maple syrup would be described, but they weren't able to get it moving in the pile of things that the Minister of Agriculture had on his desk.

I went to him, and I said, "If I make a motion in the Senate, will that help move this up? It's a slam dunk. It makes so much sense. It's not going to take a lot of time." He said, "Yes. Go for it." So I did that.

I remember when I did the study, there were a few people from Quebec, and this guy said, "Why are you doing this? There is no maple syrup in British Columbia." I said, "What do you mean? We all buy maple syrup. We love it. It's the best form of sweetener." That was really fun. I enjoyed that.

Hon. Senators: Hear, hear!

Senator Raine: All of you, I urge you to keep your feelings open and your antennas up for issues like that where we can make a difference serving in Parliament.

Now I want to recognize in our chamber all the Senate professionals who keep the chamber proceedings running so smoothly, including the table officers, the law clerks and, of course, the pages. It's great to have your youthful presence with us. Thank you for all you do to help us every day.

In particular, I would like to thank Suzie Seo, one of the law clerks, who was responsible for drafting both of my private member's bills that really are my legacy. They are S-211, National Health and Fitness Day, and S-228, the child health protection act.

You have heard a little bit about them, but I hope to return and sit up there in the gallery and see these get Royal Assent one day soon.

I also want to thank all the Senate Administration staff, including the communications and IT people who are such a valuable part of our support team. While they are not seen here in the chamber, we all appreciate their service.

I would now like to thank and salute my staff who are with me today. Most particularly, I would like to recognize that as a team, we have worked together very well. I have five staff, and with the exception of our newest and youngest, who is short-term and full-time, the rest of my ladies are all part-time. They communicate back and forth, and it's worked very well.

First of all, my long-time friend, Melanie Smith from Kamloops, British Columbia. She has kept me in touch with all the issues in my region, the Thompson-Okanagan-Kootenay region, one of the most beautiful places in B.C. Thank you, Melanie, for all you have done.

Dorothy Caldwell has been my executive assistant for the past five years and has kept me organized and has done everything from research to correspondence to speech writing and looking after the social media files. I really could not have been effective without you, Dorothy. Thank you so much. You have just been wonderful.

Gail Bonus — she is really special. Thanks to Gail, I have managed to stay out of trouble. Her attention to all the details in budgets, record keeping and expenses, and in particular, her amazing service during that very stressful audit period — Gail, you have been amazing. I thank you very much. Knowing that you, too, are going to be retiring, I wish you, your husband and your son all the very best in the years to come. Thank you.

For the past year, we have had the pleasure of having Justin Bergamini join our crew. He has been working on getting municipalities all across Canada to sign on and support National Health and Fitness Day coming up this year on June 2.

Finally, I would like to salute my contracted staffer, Marilyn McIvor, who has been the coordinator for everything I have done around the national health and fitness initiative, including putting together the promotional days on the Hill: Ski Day, Swim Day and, coming up in a couple of weeks, Bike Day.

• (1400)

When we partner with folks in the various activity sectors to promote fitness, not only for parliamentarians but for all of Canadians, our collective goal is for Canada to become the fittest nation on earth. I'm very pleased that Senator Deacon has agreed to take on this health and fitness initiative. I thank Senator Petitclerc for being with us, ever since she came here, and supporting us so this initiative is truly inclusive.

Thank you, Chantal.

This initiative is gaining momentum, and I know that with Marty's energy and talents, the fitness leadership will continue in our chamber and in our Parliament.

Honourable senators, the past couple of weeks, as my term was coming to an end, I found myself reflecting on the many experiences I've had, but most of all the friendships I've made in our Conservative caucus and with those of you I've worked with on committees. It has been a real pleasure for me to get to know you. I leave knowing that the work of the Senate is in good hands.

In a way, though, I'm very sorry to be leaving with Bill C-45 and Bill C-46 still being debated. I am very uncomfortable with the pressure being put on the Senate to rubber stamp a bill that has so many obvious flaws. I do agree that we need to control and regulate the use of cannabis in a much better way, and I certainly do not believe that people who use cannabis should be labelled as criminals. But I can see that if we rush these bills through, there will be many consequences. Look up "amotivational syndrome" on Google and ask if that's what we want in the future.

I think the flaws in both these bills have become obvious and they need fixing before it's too late. Sober second thought has never been needed more. I urge all of you to really think about what is happening here. Who is behind the push for this bill?

In closing, I bring greetings from my husband Al, who is sorry that he cannot be here today. He said for me to tell you that he will be very happy to have me back home.

I truly appreciate his unwavering support, and I've been cheered on, of course, by our two sons and their families. They have been my biggest inspiration.

Fare thee well, colleagues. Goodbye and see you soon, I hope.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Sharon Tkachuk, the wife of the Honourable Senator Tkachuk.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

CANADIAN INDIGENOUS NURSES

Hon. Lillian Eva Dyck: Honourable senators, the Canadian Indigenous Nurses Association, CINA, is an organization dedicated to improving the health of Indigenous peoples by supporting Indigenous nurses and by promoting the development and practice of Indigenous health nursing. Yesterday, May 9, was Indigenous Nurses Day. In honour of Indigenous Nurses Day and the celebration of National Nursing Week, I rise today to recognize and thank Indigenous nurses across Canada for their service.

I also wish to thank the President of CINA, Lea Bill, the Executive Director, Marilee Nowgesic, Consultant and Senior Advisor, Isabelle Wallace, and Strategic Advisor, Arlene Wortsman, along with the rest of the members of CINA for the invaluable support they give to Indigenous nurses across Canada. Their support allows Canadian Indigenous nurses to heal their patients in an effective, holistic and culturally appropriate manner while helping to secure a place for Indigenous health nursing in Canadian health care.

CINA was officially formed in 1975 by several nurses who came together to pool their skills, education and cultural heritages to ultimately improve what they witnessed first-hand as Indigenous caregivers to Indigenous people. They witnessed the appalling overall health conditions faced by their own people.

At first, like most newly formed associations, membership was small. Additionally, membership recruitment was difficult as back then there was no registry in existence to help locate nurses according to their ancestry. Thankfully, two proponents of the organization, nurses Jocelyn Bruyere and Jean Goodwill, through word of mouth and a lot of networking, were able to develop a preliminary list of Indigenous nurses and membership that has been growing ever since.

In Canada, Indigenous nurses are in a very unique position as they are able to bridge traditional medicine and Western medicine; they have the ability to apply Indigenous nursing knowledge and ways of knowing in their work environments and in working in their communities. Let us offer our congratulations to Indigenous nurses who have improved health care to the benefit of Indigenous people and other Canadians.

Thank you, Canadian Indigenous Nurses Association and your members, the Indigenous nurses, for all that you do.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Margrieta Clarkson, Margueret Booth, Barbara Stailing and Diana Southern. They are the guests of the Honourable Senator Coyle.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

FREEDOM AND DEMOCRACY

Hon. Mary Coyle: Honourable senators, today I rise to speak to you of two freedoms.

> Oh my sisters, rise together
> Raise your voices do not rest.
> Make your dreams from hope and passion
> Set your sights on nothing less

> Enter Premier Fontaine to address the legislature.

> Ladies I submit to you that Man is made for something higher and better than voting. Giving them the vote will only serve to emasculate them. No manly man wants to settle a question by any other means than fighting.

> A man's place is on the seas, in the factories and fields. If men were to get the vote, who knows what would happen? They'd think too much, become slaves to reason. Who'd run the farm.

> Politics unsettle men, and unsettled men mean unsettled bills and broken vows. Giving them the vote is simply not in anyone's interest.

Two days ago, our colleague Senator Jane Cordy spoke of the event she had attended to mark the hundredth anniversary of women getting the right to vote in Nova Scotia. On May 24, 1918, an Act to confer the Electoral Franchise upon Women was passed by Parliament.

Last summer I attended Ami McKay and Ken Schwartz's brilliant play, *Nothing Less!* on women's suffrage, performed by Two Planks and a Passion Theatre at Ross Creek Centre for the Arts, in Canning, Nova Scotia.

The Petticoat Parliament scene I quoted earlier was inspired by Nellie McClung, who had rented the Walker Theatre in Winnipeg in 1914, staging a mock Parliament, casting herself as premier and putting men in the role of having to beg for the vote.

In January 1916, Manitoba, the first Canadian province to do so, passed into law the right of women to vote. Women and men of Asian origin in Canada had to wait until 1948; First Nations men and women waited until 1960. The people of India won their first political freedom in 1947.

Last evening, our colleagues Senators Cools, Andreychuk and I attended the South African Freedom Day celebrations, marking 24 years since that country held its first democratic election.

As we meet, Reemaben Nanavaty of India's Self Employed Women's Association, SEWA, an organization of 2 million women, is speaking at St. Francis Xavier University about the future of work.

SEWA's founder, Ela Bhatt, is a Gandhian who speaks passionately about Doosri Azadi, the second freedom — access to and ownership of economic resources by poor women.

Last night, South African High Commissioner Madame Dlamini-Mntambo was expressing the same refrain — political freedom is critical for a healthy democracy, but South Africa also needs the second freedom for its people, economic freedom and participation.

Colleagues, I leave you with the final chorus from the play *Nothing Less!*:

> Oh my sisters gather round me,
> On this new and shining morn
> We have won a glorious victory
> But the struggle still goes on.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Cindy Blackstock, Marc St-Dennis and other representatives of the First Nations Child and Family Caring Society of Canada. They are the guests of the Honourable Senator Sinclair.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

• (1410)

MULTIPLE SCLEROSIS AWARENESS MONTH

Hon. Richard Neufeld: Honourable senators, May is Multiple Sclerosis Awareness Month. Last week, the MS Society of Canada was on Parliament Hill to meet with parliamentarians to raise awareness about MS. Delegates and volunteers from across the country were on the Hill to advocate for the following key priorities: greater security with respect to income and employment for Canadians living with MS; changes in improving access to affordable treatments, comprehensive care and housing; and, most important, the society is campaigning for greater investments in health research.

MS is currently classified as an autoimmune disease of the central nervous system. Put simply, the immune system attacks the nerves of the brain and spinal cord. MS is a complex, debilitating and unpredictable disease with mild to severe symptoms, including extreme fatigue, lack of coordination, weakness, vision problems, cognitive impairment and depression. It is often challenging for those living with MS to maintain and enjoy an adequate quality of life.

We do not know the cause nor do we have a cure for MS — all the more reason to support the cause.

Canada has one of the highest rates of MS in the world, with an estimated 1 in every 340 Canadians living with the disease. More research is needed to better understand the disease and try to determine why Canadians, and certain populations of Canadians, are disproportionately affected.

Due to this higher-than-average rate, Canada is home to some world-leading, cutting-edge research on ways of preventing and treating MS. There are over 30 MS clinics across Canada that form a network of academic and community-based clinics for the advancement of patient services, education and research.

Throughout the country, doctors and researchers are leading the way in R&D. For example, I think of the ongoing research taking place in my home province at the UBC Hospital MS Clinic, where a clinical team conducts innovative research using MRI to study and evaluate MS treatments.

Here in Ottawa, nearly 20 years ago, Doctors Harold Atkins and Mark Freeman proposed using stem cells to essentially reprogram the immune system of MS patients to stop the disease's progression. In June 2016, results from their study showed the treatment halted damage to the brain caused by the immune system in 70 per cent of patients. Many patients' disability stabilized and some even recovered their lost abilities.

We should be proud of the first-rate team of doctors, nurses, scientists and researchers that make Canada a global hub for MS research and treatment.

Honourable senators, I stand today in solidarity with all Canadians who are diagnosed and affected by multiple sclerosis. Throughout the month of May, and particularly on May 30, World MS Day, I urge all Canadians to champion this cause. Let us never forget that a small gesture, as simple as buying carnations as part of the MS Society's annual awareness campaign, can make a world of difference for patients and their families.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Susanna Zagar and her son Daniel Zagar. They are the guests of the Honourable Senator Boniface.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

GEORGIAN COLLEGE

CONGRATULATIONS ON DESIGNATION AS CHANGEMAKER CAMPUS

Hon. Gwen Boniface: Honourable senators, earlier this month, the world's largest network of social entrepreneurs has recognized Georgian College as a Changemaker Campus at a ceremony in Boston, Massachusetts.

This network, Ashoka U, is an organization that promotes social innovation and higher education through a global network of entrepreneurial students, faculty and community leaders, taking an institutional approach to impact the education of millions of students around the world. The focus of Ashoka is to break down barriers at colleges and universities, and to foster a campus-wide culture of social innovation.

I'm delighted to say that Georgian College, which has a campus in my hometown of Orillia, is the first and only Canadian college to be recognized as a Changemaker Campus by this influential organization.

At Georgian College, there are many examples of their change-making abilities and programs. Let me just give you a few: tackling food insecurity on campus; trips to rural areas of the Dominican Republic to promote health care; aiding non-profits in addressing gaps in services; and a program to help young people feel comfortable with police officers, which is, appropriately, a student-led initiative.

As you can tell from these examples, Georgian works to empower their students with the ability to make real and meaningful change. As emphasized by the President and CEO of Georgian College, MaryLynn West-Moynes:

> Through projects, research, timely curriculum, experiential learning and more, our students, staff, faculty and alumni are turning challenges into opportunities and ideas into innovations that are helping to make our communities — and our world — greener, safer, stronger and more inclusive.

Georgian College is paving the way for future Canadian colleges to think and operate in a more socially innovative way. There is no doubt in my mind that Georgian will be seen as a trendsetting institution that focuses on the creation of leaders of the future.

Honourable senators, I ask you to join me in celebrating Georgian College as the first Canadian college to be recognized as a Changemaker Campus by Ashoka U.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of William Hallet, Canadian Olympic Foundation. He is the guest of the Honourable Senator Deacon.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

HUMAN RIGHTS IN IRAN

PERSECUTION OF BAHÁ'Í MINORITY

Hon. Mobina S. B. Jaffer: Honourable senators, I rise before you today to draw attention to the appalling human rights situation of the Bahá'ís in Iran, the largest non-Muslim religious minority in that country.

Last month, Vahid Tizfahm was released from prison after serving a 10-year sentence given to seven Bahá'í leaders jailed on false and baseless charges. Vahid was arrested and imprisoned in 2008 when he was 34 years old. His young son was in third grade and had to spend some of the most important years of his life without his father. Vahid was imprisoned for no other reason than his faith. He was a Bahá'í.

While I am relieved to know that Vahid can return to his family, he returns to a Bahá'í community under increasing pressure by the Iranian government. Despite initial optimism that President Hassan Rouhani would take steps to improve civil rights for all citizens of Iran, the persecution of Bahá'í has become worse under his presidency. Since 2005, more than a thousand Bahá'ís have been arrested — over 300 alone since President Rouhani was first elected.

I am deeply troubled by the Iranian government's efforts to incite hatred against Bahá'ís.

The Iranian government's tactics of oppression have also begun to focus on what has been called "economic apartheid." Bahá'ís are not permitted to attend university or work in the public sector. They are denied business licences, work permits and trade membership cards.

More recently, several independent sources have repeatedly confirmed that Iranian authorities are directing efforts to persecute the Bahá'ís in Yemen, including statements by influential Yemeni leaders that amount to incitement to genocide.

The Bahá'ís imprisoned in Yemen for their religious beliefs at the behest of the Iranian government must be released.

Honourable senators, the response of Bahá'ís in Iran and Yemen has been entirely non-violent, and they have sought to assert their rights to full citizenship through available public and legal channels. However, they require constant support and solidarity from us.

Canada continues to lead on a United Nations resolution on the human rights situation in Iran. We can do more. We can raise our voices individually and collectively to express our support for the Bahá'ís to worship, serve and live peacefully in their communities in Iran. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

COMMISSIONER OF OFFICIAL LANGUAGES

A PRINCIPLED APPROACH TO THE MODERNIZATION OF THE OFFICIAL LANGUAGES (COMMUNICATIONS WITH AND SERVICES TO THE PUBLIC) REGULATIONS— SPECIAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a special report to Parliament of the Commissioner of Official Languages, entitled *A principled approach to the modernization of the Official Languages (Communications with and Services to the Public) Regulations*, pursuant to the *Official Languages Act*, R.S.C. 1985,c. 31(4th Supp.), sbs. 57 and 67(1).

• (1420)

[*English*]

TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—MESSAGE FROM COMMONS—INSISTENCE UPON CERTAIN SENATE AMENDMENTS—ELEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. David Tkachuk, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, May 10, 2018

The Standing Senate Committee on Transport and Communications has the honour to present its

ELEVENTH REPORT

Your committee, which was authorized by the Senate on May 9, 2018, to draw up reasons for the Senate's insistence on its amendments 7(c) and 8 to Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts, now recommends:

That the reasons for the Senate's insistence on its amendment 7(c) be:

> "because all regions of Canada should be treated equally, with fairness and respect. The House of Commons rejected the Senate amendment "because shippers in the Maritimes will continue to have access to other shipper remedies in the Act". As the proposer of the Senate amendment pointed out in committee, this is unfair for the maritime region, since there are roads and therefore other modes of transportation in areas like Prince Rupert and northern Quebec where an exemption is provided."; and

That the reasons for the Senate's insistence on its amendment 8 be:

"because this amendment entitles a shipper to obtain a determination of the railway's cost of transporting its goods to assist an arbitrator in final offer arbitration to determine whether to select the offer of the carrier or the shipper. By declaring that final offer arbitration is a commercially based process and not cost-based, the House of Commons has removed that entitlement from the shipper;".

Respectfully submitted,

DAVID TKACHUK
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Tkachuk: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Tkachuk, report placed on the Orders of the Day for consideration later this day.)

TRANS MOUNTAIN PIPELINE PROJECT BILL

TWELFTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. David Tkachuk, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, May 10, 2018

The Standing Senate Committee on Transport and Communications has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill S-245, An Act to declare the Trans Mountain Pipeline Project and related works to be for the general advantage of Canada, has, in obedience to the order of reference of April 24, 2018, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DAVID TKACHUK
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Black (*Alberta*), bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

STUDY ON ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY

TWENTY-FOURTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Art Eggleton: Honourable senators, I have the honour to table, in both official languages, the twenty-fourth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled *The Federal Role in a Social Finance Fund*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Eggleton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Reports of Committees — Other, eleventh report of Transportation and Communications Committee, followed by all remaining items in the order in which they appear on the Order Paper.

TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—MESSAGE FROM COMMONS—INSISTENCE UPON CERTAIN SENATE AMENDMENTS—ELEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Transport and Communications (*Pursuant to rule 16-3, report on the reasons for the Senate's insistence on certain amendments to Bill C-49*), presented in the Senate on May 10, 2018.

Hon. David Tkachuk moved the adoption of the report.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

The Hon. the Speaker: Pursuant to the order adopted yesterday, a message will be sent to the House of Commons accordingly.

TOBACCO ACT
NON-SMOKERS' HEALTH ACT

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Ringuette:
>
> That the Senate concur in the amendments made by the House of Commons to Bill S-5, An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Judith Seidman: Honourable senators, I rise today to speak to the message on Bill S-5, An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts.

While Bill S-5 contains important provisions to require plain packaging of tobacco products and to regulate vaping, I am concerned that new changes made to the Tobacco Act by the other place may undermine the fundamental purpose of this bill to better regulate tobacco and vaping products.

I am also concerned by additional amendments which highlight the importance of ensuring a consistent approach to regulating tobacco, vaping and cannabis products, a concern which was expressed clearly by our colleague Senator Joyal a few days ago in this chamber.

Let me be clear: Bill S-5 is a critical tool to protect Canadians from tobacco products and to help them quit smoking. I supported Bill S-5 when it was first passed by the Senate in June 2017, nearly one year ago. I am proud of our cooperative, non-partisan work to improve the bill. I want to recognize the dedication of the bill's sponsor, Senator Petitclerc. As parliamentarians, together, we worked very hard to get it right.

Now, at this juncture, we must carefully consider the message received from the House of Commons and assure ourselves that the amendments it contains are consistent with the intent of the legislation.

I want to begin by calling honourable senators' attention to an amendment made by the House of Commons Health Committee to clause 52 of Bill S-5, which was curiously not addressed by the Leader of the Government in the Senate in his remarks earlier this week.

The amendment to clause 52 would repeal section 42.1 of the current Tobacco Act, which requires that the proposed tobacco regulations be reviewed by the House of Commons and referred to committee before they can be made and published. This amendment is a direct clawback of parliamentary scrutiny and is deserving of our close attention.

Parliamentary review of regulations under the Tobacco Act — before they are made — is a critical tool to ensure transparency for an industry which has a long history of lobbying behind closed doors.

Indeed, when the review provision was first added to the Tobacco Act by the House of Commons, it was said that committee review of proposed regulations:

> . . . would go a long way toward legitimizing any proposed regulations precisely because it would allow stakeholders the opportunity to propose in public improvements to the regulations.

Honourable senators, despite our past success in reducing tobacco smoking rates, we must not be lulled into thinking that we are immune to the pressures of the industry. By including vaping products in the Tobacco Act, as Bill S-5 does, we are opening the door to even more corporate pressure from an industry increasingly dominated by big tobacco.

• (1430)

I am hard-pressed to understand the logic in doing away with this regulatory oversight for an industry whose products have such enormous consequences for public health. The existing provision requires the House of Commons to review the regulations within 30 sitting days, which does not constitute an undue delay in the regulatory process by any reasonable measure.

Given the importance of transparency in regulating these highly interconnected industries that are tobacco and vaping, it is critical that future regulations continue to be debated in public and not behind closed doors. As we have not heard anything from the Leader of the Government in the Senate on this amendment, much less a convincing rationale for revoking the House of Commons' authority, answers to this question should be sought by the Standing Senate Committee on Social Affairs, Science and Technology to which Bill S-5 was referred at second reading.

In addition to concerns about limiting parliamentary oversight of regulations for tobacco and vaping products, I wish to speak briefly to the concerns raised yesterday by Senator Joyal with regard to the emerging double — or should I say triple — standard for packaging and promotion of tobacco, vaping and cannabis products.

We must remember that when Bill S-5 was first before this chamber, the environment was very different. While the government had announced its intention to legalize marijuana, nothing was known about its plans to standardize the packaging and promotion of dried cannabis.

However, it seemed as though the government would pursue a comparable approach. Even the government's own Task Force on Cannabis Legalization and Regulation advised that plain packaging for cannabis products should be required. And for good reason. A comparable approach for cannabis is critical to protect our kids from the harms of smoking.

As I noted in this chamber several months ago, we cannot forget that when we talk about cannabis use, we are talking about smoking. Recent data from the Canadian Cannabis Survey tell us that smoking marijuana is the most prevalent form of recreational consumption at 94 per cent compared to other methods.

At the time, I quoted Professor David Sweanor, a noted public health expert at the University of Ottawa, which bears repeating again today:

> Smoking involves combustion. Combustion results in unwanted and harmful chemicals being inhaled into the lungs. Although the way people smoke tobacco and marijuana differs in ways such as the amount they smoke and how deeply they inhale, the fact remains that inhaling smoke is a particularly harmful practice.

Since Bill S-5 was last before this chamber, we now know that Health Canada plans to subject dried marijuana to much less stringent packaging and labelling requirements than tobacco. Given what we know about the harms of smoking any product, combined with the government's stated commitment to reducing the harms associated with cannabis use, the government's incoherent approach to regulating these two substances is baffling and cause for serious concern.

In considering the "message" received from the other place, we must ask ourselves why the government believes a different set of rules should apply for marijuana. This is also an important question for the Committee on Social Affairs, Science and Technology, which is presently seized with these very issues in relation to Bill C-45.

Finally, honourable senators, I wish to highlight one additional point on which the Social Affairs Committee might consider and report to this chamber. As the Leader of the Government in the Senate noted earlier this week, we now know considerably more about the public health effects of e-cigarettes, more than we did when Bill S-5 was first drafted, particularly when it comes to their effectiveness in helping people quit smoking.

Indeed, the government has acknowledged this fact through its new-found support for the House of Commons' amendment banning lifestyle advertising for vaping products. Of course, we had tried to do this ourselves when the bill was first before the Senate, and we were told that the Charter would not permit it. But it seems that the government has come to its senses and recognizes a growing body of evidence which calls into question the value of e-cigarettes as a tool for quitting smoking.

Better late than never, but the move raises additional questions that would best be examined by the Social Affairs Committee. This is particularly true given the fact that if Bill S-5 is adopted in its current form, certain types of advertising for vaping products will be allowed until the time that regulations are made under the act. This situation would be directly at odds with the new evidence that e-cigarettes may be a danger to public health. And as we know all too well with tobacco, once the genie is out of the bottle, it is nearly impossible to put it back in.

Honourable senators, a review of all of these issues by the Social Affairs Committee is the logical and responsible thing to do now.

We must see this legislation through to the end, seek to understand the true intention of the amendments from the other place, before giving them a rubber stamp, and ensure we are doing all we can to protect Canadians from the harms of smoking, whether those harms come from inhaling tobacco or marijuana.

MOTION TO REFER MESSAGE FROM COMMONS TO SOCIAL AFFAIRS COMMITTEE DEFEATED

Hon. Judith Seidman moved:

> That the motion, together with the message from the House of Commons on the same subject dated April 27, 2018, be referred to the Standing Senate Committee on Social Affairs, Science and Technology for consideration and report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

I'm sorry. Senator Eggleton did note that he wanted to ask a question. Senator Eggleton.

Hon. Art Eggleton: Senator Seidman, the sponsor of the bill, when it was before us, indicated that the amendments are falling quite in line with the general direction that our Committee on Social Affairs had previously determined on the bill.

Given all of the things we have before the committee right now, Bill C-45 of course, why don't you address it here in the house? If you're making a case for a change, move an amendment here in the house as opposed to sending it to the committee.

Senator Seidman: I think because the Social Affairs, Science and Technology Committee studied Bill S-5 for quite a substantial amount of time, as a result, it seemed appropriate that the issues to be looked at should go back to the committee originally charged with overseeing the bill.

The Hon. the Speaker: Before we go to Senator Patterson, I believe there is a question.

[*Translation*]

Senator Dupuis, do you wish to ask a question?

Hon. Renée Dupuis: May I put a question to Senator Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology?

The Hon. the Speaker: If you wish to ask a question, it must be addressed to Senator Seidman.

[*English*]

Hon. Dennis Glen Patterson: Honourable senators, I did like what I heard from our current federal government about greater accountability and transparency. It is in that context that I want to speak in support of Senator Seidman's motion, because I do believe that review of the all-important regulations which will be made under this bill will ensure that the important details of the content of the regulations are not merely left to officials to develop behind closed doors or to negotiate with stakeholders behind closed doors.

• (1440)

If our proper role as parliamentarians is only to approve legislation which enables the development of regulations on the important details of the matter, in this case vaping, we are surrendering our duties as parliamentarians to officials. Parliament exists to hold the executive branch accountable. It is not enough to give parliamentarians the authority to scrutinize enabling legislation but not the regulations that will result.

Honourable senators, it's trite to say that the devil is in the details, but I do believe that this is a perfect example of a situation where if we are to hold the government accountable and if the government is to be transparent, then we must, as Senator Seidman said, see this legislation through.

I thought that the provision in the bill, which was repealed, was a reasonable provision. It required that the scrutiny of the regulations be done in a timely manner, in 30 days, by the appropriate committee. And, colleagues, there is a little-known committee that exists called the Scrutiny of Regulations Committee. I understand that that committee is way behind in the backlog of years and years of regulations that it's bogged down considering.

This amendment would allow the appropriate committee, in this case the Social Affairs, Science and Technology Committee, which has developed considerable expertise on the health issues that are involved in Bill S-5, to take a look and see whether the regulations were done properly and whether the regulations reflect the spirit and intent of the bill. I don't think that's an unreasonable request that Senator Seidman is making. Frankly, I would hope that the Government of Canada would welcome the opportunity for the Senate, with the expertise that has been developed in studying this bill, to help make sure that the regulations are done right.

Therefore colleagues, as I look at Bill S-5, and as I also look at the greenhouse gas legislation, which is now before committee, and also as I look at Bill C-45 and maybe Bill C-46 as well, we're giving the government carte blanche authority to develop regulations on matters of crucial impact on public health and safety. We must offer to help the government to make sure that the regulations are developed properly. We can't leave that up to officials.

Honourable colleagues, I think what Senator Seidman is proposing is reasonable. It's really ultimately about our duties as parliamentarians to hold the executive branch accountable. Giving a carte blanche by passing enabling legislation, without then being able to follow up and find out how the regulations were developed, whether they were developed in the spirit of the bill, whether they properly reflect stakeholder input, rather than letting that happen behind closed doors, outside of the purview of Parliament, is surrendering our parliamentary responsibilities to officials.

With that, honourable colleagues, I do ask you to consider this recommendation of Senator Seidman positively and to not forego our parliamentary obligations for scrutiny, accountability and transparency. Thank you.

Senator Eggleton: I have a question for Senator Patterson.

Both you and Senator Seidman have made the same argument about the scrutiny of the regulations, but I have also heard additional things. I got the impression that Senator Seidman felt that the committee should now have a look at it because it is a year since we last dealt with the bill at committee and at this chamber. However, what we have in front of us is a message, and my understanding is we can only deal with the message. Therefore I don't know why that would require going back to committee if it's a very narrow examination. If there is a motion you want to make or Senator Seidman wants to make with respect to changing the message in some way to reflect what you have been talking about in terms of the regulations, then why not do it here as opposed to sending it back to committee when there is a very limited, narrow examination that can be conducted?

Senator Patterson: I believe that the committee has the expertise on Bill S-5. It has been studied intensively. The committee has a very good reputation for its detailed examination of bills like this that sometimes are given less scrutiny and less detailed study in the other place. If this matter is referred to the committee, I have confidence that the committee will make an appropriate recommendation to this chamber. Thank you.

The Hon. the Speaker: Senator Sinclair, did you wish to ask a question?

Hon. Murray Sinclair: At the risk of drowning in the quagmire of procedural issues, Your Honour, I'm trying to determine where we're at in the overall scheme of things. As I understand it, we have a message from the house and we have a motion from Senator Harder to deal with the message. And now do we have a motion to refer the motion of Senator Harder to the committee? Is that what we're being asked?

The Hon. the Speaker: Yes.

Senator Sinclair: If that motion is defeated, then we still have to deal with the motion of Senator Harder; am I correct?

The Hon. the Speaker: That's correct, Senator Sinclair.

Senator Sinclair: Thank you very much. That helps me understand where I'm swimming.

Let me then begin by speaking to the motion to refer, if you don't mind, now that I've clarified in my head what we're dealing with.

I gather the issue that is being asked to be referred for study and discussion has already been discussed at committee level. In fact, it was part of the rationale that led to the amendment made to the original bill, which was rejected in the other place. So as a result, I don't understand why we need to refer it to another committee to study all over again because our committee has already studied it. I think the important thing for us to decide is whether or not we support the motion or we don't support the motion of Senator Harder. Referring the motion to another committee is, in fact, just going to delay the question of how we respond to the message.

My encouragement to my colleagues will be to defeat Senator Seidman's motion to refer and let's deal with Senator Harder's motion to either accept the message or not accept the message. Thank you.

The Hon. the Speaker: Senator Seidman, did you wish to ask a question of Senator Sinclair?

Senator Seidman: Yes, thank you.

Senator Sinclair, may I ask you a question, please?

Senator Sinclair: Certainly you can ask; whether you get an answer or not will depend on my understanding of the process.

Senator Seidman: Wonderful. I'm not quite sure what makes you convinced that the Social Affairs Committee would have dealt with the amendment that came back from the House of Commons. We certainly did not. The amendment that came back from the House of Commons is something that exists in the Tobacco Act, which our committee never dealt with. It was simply in the Tobacco Act, and the House of Commons chose to remove it from our bill, from the Tobacco Act, so now vaping is part of the Tobacco Act. What you have is a House of Commons that dealt with a totally different issue that our committee never studied.

The fact is that removal of parliamentary oversight, which is what they did, ought to be something that is seriously considered by our committee, which dealt with the bill right from the outset. Thank you.

Senator Sinclair: Quite frankly, if you're saying that the committee didn't review the provisions of the bill clause by clause, I'm quite surprised to hear that. The reality is that this would have been one of the clauses that the committee would have considered in order to put the bill back in front of the chamber in order to be voted upon. So the reality is that the committee has already considered this clause, and it went to the house and was rejected by the house. Now, we have to decide whether this chamber wishes to put the clause back in its place or not. I don't think we need to study it any further.

• (1450)

Senator Seidman: I'll ask the question again: Why are you so convinced? This is a clause that is in the Tobacco Act. It is not something that the committee — Bill S-5 is vaping law. However, the vaping law becomes part of the Tobacco Act. Our committee indeed looked at it, and, indeed, this clause was in the Tobacco Act. The oversight is in the Tobacco Act, which includes the vaping law. We were convinced there would be ongoing parliamentary oversight.

What the House of Commons did was they removed it. That was their amendment that came in their message to us now. They have removed parliamentary oversight.

The Hon. the Speaker: Senator Sinclair?

Senator Sinclair: There is no question there, but thank you.

Hon. Jane Cordy: I was going to adjourn the debate, but, instead, I'll read through the papers on my desk and make some comments. Honourable senators, I used to be a teacher. I usually like to have a speech in front of me. So, if it's a bit disjointed, I apologize beforehand.

In this bill, things changed considerably. I was the critic for the independent Liberal side. Things changed quickly with this bill between second reading and third reading, and I found the tone and the content of the senators who spoke on it changed even within that period of time.

In the almost a year since this bill came to the Senate and went to the House of Commons, it has changed again considerably. It's unusual, too, that we have a government bill that starts in the Senate.

It's the reverse. The House of Commons is usually getting our amendments. In this case, we got the amendments from the House of Commons. I was really pleased to see that the House of Commons committee looked at this and came forward with some changes to the legislation.

I'll give you just a sense of some of the changes that were made, some of the amendments that were made in the House of Commons.

Give power to the Governor-in-Council to allow, in the future, vaping substances that are available by prescription to be exempt from the youth access restrictions. This simply means that if a young person has a prescription that can be taken through vaping, then they will be exempt from the youth access restrictions, which is a positive thing.

We know that the new tobacco heating devices have appeared on the market since the introduction of Bill S-5. These amendments restrict the promotion and design of these new devices. When I had representatives from the government in my office, they were showing me that, in fact, some of the new heating devices could be in different shapes that would be attractive to young people. We know the whole purpose behind the vaping legislation was no flavours, no ads that make vaping attractive to young people. In fact, one of the advantages, we

think, of vaping — and this is all pretty new — is that it will stop people from smoking. We don't want people to become interested in smoking through the vaping process.

One of the really good amendments, I thought, was lifestyle advertising. The bill said lifestyle advertising was to be allowed in targeted mailing and to be allowed in places that adults would frequent. That would be bars, for example. The House of Commons decided that they wanted all lifestyle advertising prohibited, and Senator Seidman referred to this earlier. I happen to think that's a very good amendment. Again, we go back to how things have changed just in one year in terms of vaping, which is relatively new.

We know that an amendment was made to allow the export of the product with additives that are not allowed in the Canadian market. The amendment allowed that if foreign markets want that, then the industry would be able to export it to use to send it to other markets outside of Canada.

We know also that one of the amendments they brought forward was that vaping devices that are currently in the market don't meet the Consumer Chemicals and Containers Regulations. That simply means the tiny little containers on the vaping devices will, according to regulations, eventually have to have childproof tops on them. Again, because it's relatively new, they are saying that they will allow this for a reasonable period of time, and then producers will all have to meet regulations. They are only given a temporary exemption.

So, honourable senators, I actually congratulate the House of Commons for the job they did on this bill.

I appreciate the comments that were made by Senator Patterson. It was interesting, this morning, in Energy. You said the same thing. The devil indeed is in the detail in terms of regulation, but, if it were to go back to the committee, you would only be dealing with the message, just the message, not the regulations, not what should be in the regulations, simply the message that came from the House of Commons.

Honourable senators, I have gotten phone calls in my office from the Canadian Cancer Society. I have also gotten a letter from the Canadian Cancer Society. I'll read part of it into the record: It said:

> On behalf of the Canadian Cancer Society, I'm writing to express our support for the amendments to Bill S-5 adopted by the House of Commons. We would urge you to concur with these amendments.

In fact, one of the phone calls that I got yesterday said, "We know that you spoke on second reading and third reading on this bill; if you're going to speak, Senator Cordy, would you please do it today? We don't want this bill delayed any longer." So the letter is very similar. It goes on to say:

> While many of the amendments are technical in nature, perhaps I could highlight two amendments that were approved by the Standing Committee on Health, with all party support and with support from health organizations. The first of these is an amendment to ensure that all lifestyle advertising for vaping products is banned. The bill had banned most lifestyle advertising from vaping products associating with fashionability, status, masculinity, femininity, et cetera, but there were a few exceptions. The amendment removes the exceptions that had allowed lifestyle advertising in some places, such as bars and publications.
>
> The second of these is an amendment to establish regulatory authority that could require health warnings be placed directly on cigarettes and other tobacco products themselves, consistent with international guidelines. The bill already contains such regulatory authority for vaping products, and the amendment would ensure that there is parallel authority for tobacco products as well. This amendment would also help deal with contraband, as required markings would identify products intended for legitimate sale in Canada, thereby further assisting enforcement authorities.

Because of that, I will be voting against the amendment made by Senator Seidman, in light of what I have read about the bill, in light of what I read about the amendments, in light of briefings that I received and, most importantly, in light of the phone calls and the written letter that I have received from the Canadian Cancer Society. So I will be voting against this amendment made by Senator Seidman, and I will be voting in favour of the motion by Senator Harder that we deal with this bill today.

The Hon. the Speaker: Do you have a question Senator Seidman?

Senator Seidman: Will you take a question, senator?

Senator Cordy: Yes, I will.

Senator Seidman: I appreciate all of the points that you made, and I will say that the points that I spoke to are all issues that are addressed by this message, all of them. They are addressed to the amendments that were made by the House of Commons.

Now, I will ask you a question because I do believe and agree with you that the advertising component is critical, especially advertising around our kids. Health Canada's own briefing note, from 2016, says that a number of studies now link e-cigarette ad exposure with a significantly greater likelihood of e-cigarette use among youth. So, indeed, there has been a better restriction on lifestyle advertising to youth.

However, the regulations are not yet written, and they have left the doors open, as things exist, to advertising for preference of brand and information advertising.

So my question about the change in the amendment that was made by the house is this: Instead of leaving the door open, without the regulations being written, why not restrict all advertising to kids — not just lifestyle advertising but all advertising — until the regulations are written?

• (1500)

Senator Cordy: I agree with the Canadian Cancer Society. I would like the bill dealt with now.

I've been in this chamber for 17 years. I've not ever had a bill with the regulations before me. It would be great to have all the regulations in front of us, but we do have to allow some flexibility in framework legislation.

Regarding lifestyle advertising, I think the amendment that they made on the other side to ban it completely was a very positive step. If we had wanted all advertising banned completely, then maybe we should have thought about doing that on the Senate side when it was over here. I think the lifestyle ban, a complete prohibition, is a step in the right direction.

We do have the Scrutiny of Regulations Committee, and I know that Senator Patterson said they're far behind. Perhaps those who are members of the Scrutiny of Regulations Committee are going to have to sit more often, as many other committees in this chamber are doing in times like this. But we do have a process in place. We do have a Senate committee in place to look at regulations that are being brought forward.

Senator Seidman: Question, Senator Cordy: Are you aware that Scrutiny of Regulations only looks at regulations after they're published and written? They don't look at regulations before they're written.

Senator Cordy: That's a good point. I think it's really important that those of us who have spoken to the department officials and those of us who have great concerns about this keep a close eye on it, monitor it and make sure the regulations that are coming forward are consistent with what we believe.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on the bell? The vote will take place at 3:32 p.m..

Call in the senators.

• (1530)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Mockler
Ataullahjan	Neufeld
Batters	Ngo
Beyak	Oh
Boisvenu	Patterson
Carignan	Poirier
Dagenais	Raine
Doyle	Seidman
Eaton	Smith
Frum	Stewart Olsen
Marshall	Tannas
Martin	Tkachuk
McInnis	White—27
McIntyre	

NAYS
THE HONOURABLE SENATORS

Bellemare	Jaffer
Bernard	Joyal
Black (*Ontario*)	Lankin
Boniface	Lovelace Nicholas
Bovey	McCallum
Boyer	McCoy
Brazeau	McPhedran
Christmas	Mégie
Cools	Mercer
Cordy	Mitchell
Cormier	Moncion
Coyle	Munson
Day	Pate
Dupuis	Petitclerc
Dyck	Pratte
Eggleton	Ringuette
Gagné	Saint-Germain
Galvez	Sinclair
Gold	Wallin
Griffin	Wetston
Harder	Woo—43
Hartling	

ABSTENTIONS
THE HONOURABLE SENATORS

Duffy Richards—2

The Hon. the Speaker: Resuming debate on the main motion. Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

CRIMINAL CODE
DEPARTMENT OF JUSTICE ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Mitchell, for the second reading of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Sinclair, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

• (1540)

CANADA LABOUR CODE
PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT
BUDGET IMPLEMENTATION ACT, 2017, NO. 1

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Nancy J. Hartling moved second reading of Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

She said: Your Honour and honourable colleagues, first of all, I want to wish all of you a very happy Mother's Day. I know a lot of you in this chamber have told me about your children and grandchildren and your mother, so I hope you have a good Mother's Day when it gets here.

[*Translation*]

I am pleased to speak today to Bill C-65.

[*English*]

Honourable senators, Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1, is now before us, and I am pleased to rise to speak to it as its sponsor in this chamber. This is my first bill to sponsor, so I will definitely need your support and encouragement.

I am pleased to sponsor this legislation as I sincerely believe we need to do more to eliminate workplace harassment and violence. It is still such a pervasive issue in Canadian workplaces. I am mystified by the fact that such behaviour has been tolerated for so long.

I wonder how it is that in 2018 harassment and violence continue to persist in the workplace. However, I am heartened by the fact that the matter is now on the front burner and that we are starting to see a shift in attitudes. Awareness is on the rise, influencing and shifting culture and perspectives.

Workplace harassment and violence have been the subject of public discussion for many years. Still, it is only now that we have reached a moment where such behaviour is denounced and where consequences are actually being put into effect. The #MeToo movement has underscored the prevalence and magnitude of the problem, shining a light on what was previously relegated to dark corners.

Constance Backhouse, a law professor at the University of Ottawa and holder of the University Research Chair on the Sexual Assault Legislation in Canada, is an internationally known feminist researcher and has several publications on sex discrimination and the legal history of gender and race in

Canada. In 1979, she co-authored, with the late Leah Cohen, a book called *The Secret Oppression: Sexual Harassment of Working Women*. It was the first Canadian work on the subject.

In a recent interview on CBC Radio, she stated that things have not really improved much on the issue of sexual harassment at work since they wrote the book in 1979. However, she is hopeful that we have recently reached a turning point. There are peaks and valleys on the road to change and society is currently at a peak. Let's keep this momentum and make the necessary changes.

We continue to see numerous incidents of harassment and violence and, in particular, incidents of sexual harassment and sexual violence. This phenomenon is not limited to certain types of workplaces. These incidents occur in all kinds of organizations; unfortunately, no job environment is immune.

The workplace is composed of people with different abilities, strengths, capacities, preferences and distinct objectives and ambitions. And, while most workplaces are often promoted as collegial and inclusive, the fact remains that very few workplaces operate on a level playing field—and that hierarchy means that some people have more power than others.

For some, the temptation to exercise the power afforded to them beyond the specific needs of their function can be great. Indeed, we've seen this play out right here on Parliament Hill, where distinct power imbalances have created and fostered a culture where those in positions of power have wielded their influence to victimize those who work for them.

[*Translation*]

Just as bullying and physical violence are unacceptable in the schoolyard, workplace harassment and violence are reprehensible.

[*English*]

While the majority of us would rightly call that kind of behaviour unacceptable, our culture of individualism, achievement and "making it to the top" has made it almost a contradiction to condemn it. All too often, many of us tend to confuse aggressive actions that breach appropriate behaviour in the workplace with drive and achievement of results.

In organizational terms, the results of harassment and violence can only be destructive. A person who is harassed, marginalized or abused cannot perform to the best of their capabilities. The effects can actually be devastating, not only on productivity at work but also on the individual's health and well-being.

For example, the negative effects for the worker can include increased stress, anxiety, absenteeism, as well as a reduction in engagement, job satisfaction and productivity. Researchers have also made links between harassment and the effects on employees including, but not limited to, clinical depression, PTSD, shame, guilt, fear, and feeling an overwhelming sense of injustice.

For the employers, this can result in a higher turnover and the loss of talent and experienced workers. No one wins. It affects everyone, including employees, employers, families, society and, of course, the economy.

[*Translation*]

For far too long, this type of toxic behaviour has been tolerated in our society and has consequently become deeply rooted in our culture.

[*English*]

Countless individuals have suffered because they felt they couldn't speak out when it happened to them. Many are in that position right now. There are many reasons why an individual may feel as though they cannot come forward. Some fear they won't be taken seriously and that nothing will be done about the situation anyway.

Or maybe they fear that there will be repercussions, such as losing their job or being looked over for a promotion because they've been branded a troublemaker. Perhaps what is most disheartening is that these fears are not always unfounded.

At this point, some of you might be wondering: Exactly how prevalent is harassment and violence in the workplace, and how did this bill come about? Let me share a bit about this.

In a 2017 online survey hosted by Employment and Social Development Canada, Canadians were asked about harassment and sexual violence in their workplaces and if and how they've been affected by these inappropriate behaviours.

The results are shocking. Of those who responded to the online survey, 60 per cent reported having personally experienced harassment at work; 30 per cent reported having experienced sexual harassment in their workplace; 21 per cent experienced violence; and 3 per cent experienced sexual violence.

And while 75 per cent of respondents said they reported the most recent incident, 41 per cent said nothing came of it. So for close to half, nothing happened; nothing came to help them resolve those issues.

These consultations provided valuable insight to the government on how to move forward with a new approach and the incentive to develop legislation to deal with this reality.

I truly believe that every Canadian should be able to get up in the morning and go to a safe workplace where they are free of violence and harassment. This is why I feel very passionate about sponsoring this bill, as it begins to address these behaviours in federally regulated workplaces. And it is my hope that it will also positively influence other employers to follow suit. It will be a beginning of change—a culture shift.

Honourable senators, in addition to this online survey, the government consulted relevant stakeholders through a series of round tables between June 2016 and April 2017. During these consultations, stakeholders were clear about the attributes of the policies that they thought would be effective.

The stakeholders told us that clear written policies must outline the types of behaviour the organization considers to be workplace harassment or violence; what steps the organization expects employees to take when they become aware of an incident of workplace harassment or violence; how the organization will respond to allegations of workplace violence or harassment; explicit protection against retaliation for raising a concern about workplace harassment or violence; regular reviews of all policies and practices; and multiple channels for reporting incidents, including a channel that does not involve the parties' direct management.

To summarize the findings of these consultations, all employees need to be protected. Every incident needs to be dealt with quickly and effectively, and the outcome needs to be a clear resolution.

[*Translation*]

Workplace harassment and violence should absolutely not be tolerated, but clearly they are.

• (1550)

[*English*]

What's in place right now to protect Canadians in federally regulated workplaces is inadequate. Because of this, close to 900,000 employees and their families are affected by this. It's imperative to change this as soon as possible.

It is also important to note that the bill, as indicated in its title, will amend the Canada Labour Code and the Parliamentary Employment and Staff Relations Act, which we call PESRA for short. This will impact all staff who work on the Hill, including employees of the Senate and the other place, the Library of Parliament and the Parliamentary Protective Service.

The Canada Labour Code deals with occupational health and safety, and employment standards within the federal jurisdiction. However, it has some serious deficiencies. One of the gaps is that currently there is no integrated mechanism to prevent incidents of harassment and sexual violence, and no mechanism to deal with those incidents.

I'm not a technical code person, but I'm learning about this. There are different parts of the Canada Labour Code the way it is now, and they don't all integrate. For example, Part II of the Canada Labour Code covers occupational health and safety, including workplace violence, whereas sexual harassment is dealt with under Part III, which is the labour standards section of the code. Furthermore, Part II of the code applies to all federally regulated workplaces, including the federal public service, while Part III covers the federally regulated private sector but does not apply to public servants. Additionally, as it stands, our parliamentary workplaces are not covered at all.

It is confusing to me, but we will learn about this. The minister will be here after the break, so we'll have a chance to ask her questions and learn as we go to understand the different parts and how they all integrate.

Without an integrated mechanism, which this bill seeks to implement, victims of harassment or violence in federally regulated workplaces lack suitable options for having their complaints heard, nor do they have sufficient options for resolving these very serious issues.

If you've ever been harassed or bullied, it's a difficult time emotionally, so imagine trying to figure out how you will get that resolved and where you go, who you talk to and who you trust.

In addition, if they do not come forward, they may find themselves in a situation where they are without adequate support, and support is absolutely crucial during this time. Let me remind you, Hill staff, including our very own employees, have no recourse at the present time.

Unfortunately, and too often, those who are brave enough to come forward to report workplace harassment and violence simply fall through the cracks and nothing is resolved. These common experiences then end up serving as a deterrent for others considering whether or not to come forward to report an incident. If they see a colleague who has come forward and it has been months and nothing is resolved, why would you even try to come forward?

All employees need to be protected and know that if they experience an incident of harassment or violence, it will be dealt with quickly, effectively and seen through to resolution.

Bill C-65 is designed to address these and other gaps in the Canada Labour Code as it relates to dealing with workplace harassment and violence.

By strengthening violence provisions under Part II of the Canada Labour Code to cover the full spectrum of harassment and violence, Bill C-65 would put into place one comprehensive approach to dealing with workplace violence and harassment. This would be done by ensuring that employers take the necessary steps to prevent and protect their employees against harassment and violence in their workplaces.

I'm sure that's what we want for our staff.

Among other things, employers would be required to investigate, record and report any occurrence of harassment and violence in their workplace.

Because of how difficult it can be for victims to come forward, often due to fear of repercussions, Bill C-65 will also protect the privacy of those who report occurrences of harassment and violence. That's very important, their privacy.

There are three main pillars of this legislation, and I came up with the acronym PRS. The "P" is preventing incidents of harassment and violence from occurring; the "R" is responding effectively to these incidents as they occur; and the "S" is supporting the victims, survivors and employers in the process, which means making sure there's long-term support for them.

Bill C-65 will also ensure that parliamentary workers benefit from the same occupational health and safety protections as other federally regulated workers. This should be important to all of us, as these are the people we work with every day, including our very own staff members.

During the last year that I've been here, I have heard from many staff members in this place, and I can assure you that this piece of legislation is important to them.

I believe this bill will go a long way toward dismantling the ill-conceived and long-enduring attitudes that create and foster workplace violence and harassment. Canadians deserve to work in environments free from such behaviours; we all do.

A work environment that is free from harassment and violence should not be a privilege. It should be a right. This is what the bill aims to achieve in federally regulated workplaces. It is a great opportunity for the federal government, and for us here in the Senate, to lead by example, increasing awareness on this issue and modelling a culture change in order to positively impact other employers to implement similar safeguards for their employees. A law on its own does not create the change, but it does bring attention to an issue and therefore puts things in motion to create cultural change.

Now is the time to approach harassment and violence in the workplace the same way we would treat other occupational health and safety hazards.

Now is the time to recognize that such toxic behaviour as harassment and violence has very real and negative impacts on the individuals who experience them. These incidences also create repercussions that extend to victims' families and co-workers, because when you go home from work, you bring your stuff home. If you've been harassed or bullied, it will affect your home life. I strongly believe all these are too large to be ignored any longer.

Once Bill C-65 is approved, we can expect to see positive benefits for employees, employers and society as a whole. Some of these benefits would include a clearer understanding of what workplace harassment and violence are, because that's been talked about — we'll get to know exactly what it is — and what behaviours are unacceptable; a better understanding for employees, that they have a right to be safe and protected, which will hopefully lead to more willingness among them to speak up; proper mechanisms in place to help victims to move forward; and, ultimately, a significant culture shift in the workplace, where there is zero tolerance for harassment and violence.

We need to send a clear message to workplace harassers that these types of behaviours are absolutely unacceptable, that no one should have to endure them, and that it must stop, because time's up.

My background in social work provides me with many years of listening and understanding how survivors experience both sexual and physical harassment and trauma.

I am very proud to sponsor Bill C-65, and I hope you will join me in supporting this important bill, and to deal with it as quickly as possible so that we can ensure a safer workplace for many Canadians. Thank you.

The Hon. the Speaker *pro tempore*: Senator Duffy, do you have a question?

Hon. Michael Duffy: Yes, if the senator would take a question.

Senator Hartling: Yes, I would.

Senator Duffy: Thank you for this very timely and thought-provoking speech. I look forward to seeing the progress of this legislation as it comes through our committee and through this chamber.

You made the point, which I think is worth reinforcing, that today our exempt Hill staff — as opposed to the public servants — those who work individually for senators, you say have no recourse at the present time. Would you see this as bringing these kinds of protections and rights to not just the civil service on Parliament Hill but to the exempt staff as well?

Senator Hartling: Thank you, Senator Duffy, for the question.

Yes, absolutely. I think that's what the staff here have been telling me. They don't feel there's a place for them. They don't feel protected. I think this will be a big step forward.

Hon. Frances Lankin: I thank the honourable senator for taking on the sponsorship of this important bill. I am in general accord with her remarks and the importance of this. I applaud her leadership over the years on this and other issues with respect to gender equality. It's a great match that you're leading us through the consideration of this bill.

I will support this bill in principle, so I look forward to it getting to committee stage for examination.

While I support it in principle, I have a very significant concern. If I cast back to your remarks, on a number of occasions you referred to the occupational health and safety standards in the workplace and the need for protection for all people.

• (1600)

Part of this bill sets out provisions in Part 3 for a definition of "harassment," not a definition of "violence." I don't think it does; we will need to grapple with whether that is appropriate. Having said that, it also sets out that somebody bringing forward a complaint can take it anywhere except the health and safety committee. There are two or three provisions that block these issues from coming forward to the health and safety committee.

I would like us to examine this very seriously. When I think back over the years, one of the first times, in the province of Ontario, at least — let me clear about the scope of experience that I have had on this — one of the first times we were able to make progress on the issue of forcing employers to take responsibility for a harassment-free workplace was when we took it through a health and safety approach.

Whether it's a unionized workplace or not, these health and safety committees are there in federally regulated private sector industries. Many of them have already set up that that is the place and the process where harassment complaints are dealt with. There has never been a single case that we're aware of where there has been any breach of privacy from that process. It's different in each workplace, but it engages people who work in the workplace, who know the workplace best, in determining what solutions and cultural changes are required and in being part of the change going forward.

The health and safety committee is a joint employer-employee workplace committee where people take joint responsibility for the nature of the workplace people are in.

I'm disturbed. I don't have confirmation of this, but I understand that one of the reasons the government department has put forward to support this is the concern about privacy. So let's delve into that. As I said, I'm not aware of any situation.

But I want to give you an example, because this was relayed to me: Someone said to me, "Think of this: You are a flight attendant on a WestJet flight and something happens with an unruly passenger, and you're cold-cocked somehow." That being the situation, is it really our opinion that a health and safety committee shouldn't be reviewing and understanding what the possible routes or protections are for workers in that situation? That's violence in the workplace.

It could be sexual harassment in a customer-facing world, or it could be a customer. It's not always an employer or a co-worker. There are a range of scenarios.

I don't know, but I suspect that for some of the employers involved, removing any element of involvement of health and safety starts to segregate this as a gender issue and as a problem of men and women getting along in the workplace. We know these issues are much broader than that. They are not confined to events between men and women; that's a large portion of them, but it's not all of what goes on. Also, this is not just an issue of whether employers respond to this; it's how they respond, how you go about getting an independent investigator, who is involved in approving the list of those and having employees buy into the change that we're looking for.

The expression of concern that I have heard, that this is an issue of privacy, doesn't seem to be borne out by any real-life cases. So I think the reason that some employers would like it not to be related to, or sound like it's related to, health and safety in the workplace is because in certain situations, someone who perhaps ends up with PTSD and is in a situation where they are unable to work for a period of time, that would not be tied to thinking of safety in the workplace. Therefore, it would potentially not be a compensation issue through workplace health insurance or accident insurance — it's called different things in different jurisdictions. This is the federal jurisdiction. So it wouldn't be an issue of compensation; it would become an insurance issue.

That may not be correct, and I think we should delve into this and find out during committee. I hope to have those kinds of dialogues so that we can get to the bottom of it.

I would indicate at this point and time my desire to remain involved in this and be engaged in this, and to talk to the government before we even get through a committee process about whether they can actually give us reasons that defend this provision or whether, on second thought, it makes sense to engage those structures of worker and employer committees that are both committed to cultural change and safe workplaces.

Thank you very much.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON MAY 22, 2018, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 9, 2018, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, May 22, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

STUDY ON THE MINISTER OF FINANCE'S PROPOSED CHANGES TO THE INCOME TAX ACT RESPECTING THE TAXATION OF PRIVATE CORPORATIONS AND THE TAX PLANNING STRATEGIES INVOLVED

TWENTY-FOURTH REPORT OF NATIONAL FINANCE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mockler, seconded by the Honourable Senator Tkachuk:
>
> That the twenty-fourth report of the Standing Senate Committee on National Finance, entitled *Fair, Simple and Competitive Taxation: The way forward for Canada*, deposited with the Clerk of the Senate on December 13, 2017, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Finance being identified as minister responsible for responding to the report.

Hon. Mobina S.B. Jaffer: Honourable senators, I move that further debate be adjourned until the next sitting of the Senate.

(On motion of Senator Jaffer, debate adjourned.)

• (1610)

REGIONAL UNIVERSITIES

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Tardif, calling the attention of the Senate to regional universities and the important role they play in Canada.

Hon. Jane Cordy: Honourable senators, I am pleased to rise today to speak to our former colleague Senator Tardif's inquiry calling the attention of the Senate to regional universities and the important role that they play in Canada.

Honourable senators, Canada is home to a number of different higher learning institutions. Nationwide, Canadian colleges and universities offer a variety of programs ranging from general arts degrees to more specialized degrees in trades and technology. Coast to coast to coast, we are educating some of the brightest, most hard working and driven leaders of tomorrow. Our schools are also attracting students from nations around the world.

In December 2016, Senator Tardif called on the Senate to "recognize regional universities and the important role they play in Canada." She explained that, ". . . small to mid-sized universities play an important role in making university education more accessible to the population they serve."

Following this, Senator Gagné delivered passionate remarks on this same topic. In her speech, Senator Gagné described how important French-language post-secondary institutions are to educate a bilingual workforce and ensure the success of students.

At this time, I would like to add to their observations and draw your attention to the role that small and medium-sized regional universities play across Canada.

When discussing higher education, it is customary to mention large universities and neglect the contributions of the smaller institutions. This can be attributed to student population size, the amount of funding larger schools receive and their advertising capabilities. Additionally, because of the large number of graduates, certain universities have become well-known internationally.

According to campus rankings, a small university is defined as a campus with a population of less than 10,000 students. A medium-sized institution population ranges from 10,000 to 20,000 students. Many small to medium-sized universities are known as being leaders with regard to student experience, small class size and student awards.

In Atlantic Canada, the majority of higher learning institutions are categorized as small institutions. This has not deterred students from travelling to Atlantic Canada for their education. Instead we have seen the opposite. In a recent *Maclean's* study, 5 out of the 10 top undergraduate universities in Canada were located on the East Coast. Additionally, four out of the seven highest ranking small institutions are located in Atlantic Canada. The region has established itself as a leader in post-secondary education.

My home province of Nova Scotia is home to 10 public universities and the Nova Scotia Community College. Three of the five oldest colleges in Canada — the University of King's College, St. Mary's University and Dalhousie University — can be found in Halifax.

Universities make up the third-largest revenue generator after tire manufacturing and seafood preparation and packaging. In Nova Scotia university towns, approximately 35 per cent of the workforce is employed by learning institutions.

Since 2010, the number of Canadian but out-of-province students travelling to Nova Scotia for university has grown by 10 per cent overall. In that same time frame since 2010, we have seen a 50 per cent increase in the amount of international students attending Nova Scotian universities and colleges.

The number of out-of-province and international students continues to rise and it is not expected to decrease in the upcoming years. In fact, it will be necessary to continue to attract out-of-province students and international students as Nova Scotian enrolment is in decline due mostly to the declining population trends of the 18 to 29-year-olds.

Our smaller universities have success attracting out-of-province students in no small part due to the down-east hospitality and because of smaller class sizes and smaller university campuses where students don't feel lost, particularly in their first year of studies.

International students have had substantial financial impacts on the region, with spending estimates at around $291 million last year alone. The financial benefits and unique perspectives brought forward by international students provide a valuable opportunity for growth within our province.

The smallest institution in Nova Scotia, the Nova Scotia College of Art and Design or NSCAD is home to just under 1,000 students. Having said that, NSCAD's size has not impacted its ability to become a leader in the art world. It was founded in 1887 and became the first degree-granting art school in Canada.

NSCAD is now known for its talented graduates, diverse student body and stunning works of art. Recently it was announced that the NSCAD was moving to a new facility as their current facilities have become outdated. This will provide space for students and a promising future for the institution.

Our former colleague, Senator Wilfred Moore, received an honourary doctorate from NSCAD in 2014 for his support of the arts. He helped create the NSCAD Community Studio Residency in Lunenburg, Nova Scotia.

My alma mater, Mount Saint Vincent University, was founded as a women's college over 140 years ago. Since then it has expanded to accept students of all genders and has seen an increase in international students. Currently, enrolment numbers are approximately 2,500. Like many other smaller universities, Mount Saint Vincent University is known for its dedicated faculty and specialized programs. These include public relations, applied human nutrition, child and youth study and hospitality management.

Like Mount Saint Vincent University, most smaller institutions provide specialized programs unique to their region which draw people both from within Nova Scotia as well as outside the province. We sometimes call them our "come from aways." Mi'kmaq Studies at Cape Breton University is an excellent example of this. The specialization in Mi'kmaq is:

> . . . designed to familiarize Aboriginal and non-Aboriginal students with Mi'kmaq history, language, culture, traditions and socio-economic development of the Mi'kmaq First Nation.

Because of its size and location, CBU's Unama'ki College is becoming a leader in this field. Many of the students registered in this program realize that by learning about the Mi'kmaq culture they are given the ability to connect with an important community in Cape Breton.

Additionally, Cape Breton University has been able to foster relationships with Mi'kmaq communities across the province. Cape Breton University also has the highest enrolment and success rate of Indigenous students in Atlantic Canada, which is a positive sign for both the community and the university.

While there have been improvements, there is still a long way to go in providing accessible education to all Canadians. Currently, small universities are 42 per cent less likely to secure federal funding than their larger institution equivalents. As a government, we can and should do more to ensure that smaller campuses are given adequate access to funding.

As previously mentioned, universities in Atlantic Canada make up 5 out of 10 of the top undergraduate schools nationwide. Sadly these institutions do not qualify in the top 10 highest graduation rates. In fact, many fall in the bottom 50 per cent of the list. According to *Maclean's* there are a number of reasons for this, including financial and language barriers, preparedness of students and accessibility.

For the director of the Munk School of Global Affairs, Steven Toope, there are five main challenges impacting both large and small institutions. These include discrepancies between teaching and student expectations, the desire for higher quality research, changing attitudes, increasing Indigenous presence in schools and the need for better intercultural awareness. Both sources explain that educational institutes need to better reflect the realities of our modern world.

None of these challenges can be solved overnight. Instead, we must help universities and colleges equip their students with the tools to succeed. Smaller universities may require more funding to update existing infrastructure and compete with their larger counterparts. By placing a greater emphasis on the importance of smaller and medium-sized universities, we may see higher success rates for our students.

• (1620)

Honourable senators, smaller regional universities continue to face challenges. Enrolment trends and financial support from government are declining, but the institutions continue to find a way forward. The importance of our regional universities cannot be overstated as they fill a valuable role in our smaller communities all across the country. They are major employers. They provide access for young people who may not have the same opportunity to attend a larger university typically located in Canada's major urban centres. They also attract promising young people from all around the world to Canada's smaller regions, areas that tend to have trouble attracting new immigrants.

Honourable senators, as a former elementary school teacher and a former board member of Mount Saint Vincent University, I know the challenges our regional universities face and I understand the value of a good education. I have seen first-hand the positive impact these universities have in shaping our young people to help them reach their potential. I also know the impact these institutions have in our communities. I thank you.

(On motion of Senator Mercer, debate adjourned.)

ANTI-BLACK RACISM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Bernard, calling the attention of the Senate to anti-black racism.

Hon. Kim Pate: Honourable senators, I rise today to speak to Senator Bernard's inquiry into systemic anti-Black racism in Canada.

As Senator Bernard remarked about another parliamentarian last week, "It takes a lot of courage to stand against racism and oppression." I commend Senator Bernard for her courage in addressing the roots and harmful consequences of anti-Black racism, particularly by sharing her own experiences of racism encountered in this very place, and her leadership in urging us to take a stand against racial injustice.

In its 2017 report, the United Nations Working Group of Experts on People of African Descent drew attention to systemic racism within the criminal justice system that has resulted in the overrepresentation of African Canadians in prisons.

[*Translation*]

The working group reminds us that anti-Black racism is a reality at all levels of the criminal justice system, from racial profiling and carding to the exercise of prosecutorial discretion, the imposition of pre-trial detention, incarceration, and disparities in sentencing.

[*English*]

African Canadians make up 3 per cent of Canada's population, yet they represent 9 per cent of those in federal penitentiaries. In 2012, 53 per cent of Black women in federal prisons were serving a sentence for a drug-related conviction. According to the Office of the Correctional Investigator, in their attempts to negotiate poverty, many of those women were recruited to carry drugs, sometimes across international borders. Too many were coerced — most forced — to do so by threats of violence against them or their children.

Despite being at low risk of further convictions, these women and other Black prisoners are 1.5 times more likely to be classified as maximum-security prisoners than are non-racialized prisoners. For women, a maximum-security classification means that they are segregated in high-security isolated units within the federal penitentiaries for women. These segregated conditions of confinement severely limit opportunities for programming, for education, for visits, as well as temporary absences and other forms of conditional release that facilitate safe and successful community integration.

The evidence of discrimination within the prison system is undeniable, and its effect on the lives of Black Canadians ensnared in the criminal justice system is abhorrent. I strongly support a number of recommendations of the UN working group in this regard, in particular urging that the Government of Canada "Develop and implement a national corrections strategy to address and correct the disproportionately high rates of African Canadians in the correctional system . . .," and "Abolish the practice of segregation and solitary confinement and explore alternatives to imprisonment."

I also want to draw particular attention to the UN working group recommendations regarding education, namely, that governments study ". . . the root causes of overrepresentation of African Canadians in the criminal justice system," and preserve and educate Canadians about our country's history of enslavement, including by the development of textbooks and educational materials that accurately reflect historical facts relating to enslavement and other atrocities.

Like the United States, Canada has a history of slavery. Unlike the United States, however, the harms and horrors of this part of our history are unknown or ignored by far too many. I recall when my son, Michael, was in school, an extraordinary teacher, unable to find any materials for his students, wrote his own books about slavery in Canada and the history of Black loyalists in the Maritimes and Black leaders internationally. During Black History Month, he also developed a series of dramatic productions for his students to produce for parents in the community. I can't tell you how many times I would hear in the audience whisperings such as "Wow, I had no idea, this happened in Canada."

Like other components of Canada's history of racial discrimination vis-à-vis Indigenous peoples, far too few know that for a period of 200 years slavery was legal here. In 1689, the King of France granted a petition from French settlers that formally allowed slavery in Canada, despite the fact that it was illegal in France. When loyalists arrived in Canada following American independence, they brought those they had enslaved from the United States.

In 1792, 6 of 16 of Upper Canada's elected legislators and 9 of its appointed representatives owned slaves. Quebec historian Marcel Trudel reports that enslaved Black Canadians worked in the *Montreal Gazette*'s print shop. Mr. Trudel has recorded the stories of enslavement of at least 4,200 people during two centuries in Canada. Two thirds were believed to be Indigenous; one third were Black.

While slavery was abolished in 1834, anti-Black racism persisted. The UN Working Group of Experts on People of African Descent has noted the role that the criminal justice system has played and continues to play in perpetuating discrimination, a relationship that the Vera Institute of Justice has studied in depth in the United States.

The Vera Institute's 2018 report on overrepresentation of Black Americans in the criminal justice system documents how, following the abolition of slavery, criminal law became a tool for targeting Black Americans and allowed for continued surveillance and exploitation. In the South, "Black Codes" prevented African Americans from voting or testifying in court, and permitted the arrest, under vagrancy laws, of any Black person who could not prove that he or she worked for a White employer. Those convicted of crimes such as "walking without a purpose" or "walking at night" were often forced into private incarceration, known as convict leasing — slavery by another

name. In other parts of the country, racism drove disproportionate enforcement of laws against "suspicious characters," disorderly conduct, drunkenness and violations of city ordinances.

In the decades following the Civil War, scholars, policy-makers and reformers held up the results of these racist laws as empirical "proof" of the "criminal nature" of Black Americans they disproportionately criminalized. Their legacy continues today in the persistent and pernicious discourses about high crime in urban areas that result in over-policing of Black Americans. Today, African Americans are more likely to be subject to the three-strikes law or live in neighbourhoods targeted by drug-free-zone laws, which impose harsher and mandatory minimum sentences even for minor offences.

Black Americans, like Black Canadians, are more likely to be stopped by the police, have force used against them, be detained pretrial, charged with more serious crimes and sentenced more harshly. In Canada, however, failure to name the root causes of these forms of marginalization and criminalization, combined with the failure to situate the harmful stereotypes that drive them in a legacy of colonialism and discrimination, only risks exacerbating and perpetuating anti-Black racism.

I was reminded of the importance of educating Canada about the history of Black Canadians when I learned about and visited Saint-Armand, Quebec. There, only an hour outside of Montreal, is the only known cemetery for those who were born and died enslaved in Canada. This site and its history are at risk of being lost due to a lack of support from the government to recognize it as a historically significant location for Canada's Black communities.

• (1630)

The experiences of African Canadians are an integral part of Canada's history and identity. As the Human Rights Committee is directly hearing and observing in our study of the human rights of prisoners, the legacy of anti-Black racism persists today, resulting in unacceptable racist attitudes and actions and, for far too many Black Canadians, their disproportionate marginalization, criminalization and imprisonment.

Honourable colleagues, let us honour and support Senator Thomas Bernard's call to action by working together to remedy past and current racist injustices and discrimination.

Meegwetch. Thank you.

The Hon. the Speaker *pro tempore*: Senator Pate, would you accept a question?

Senator Pate: Yes.

Hon. Mobina S. B. Jaffer: Senator Pate, you have worked on these issues ever since I've known you, which is a long time, and you continue to highlight these issues to us here in the Senate.

The question I have is related to something you said: Black people are punished more harshly. Can you clarify what you mean by that?

Senator Pate: Actually, there are a number of cases. There is one before the Supreme Court of Canada, the *Ewert* decision, which picks up on the issue of over-policing. We know from Black Lives Matter the impact in terms of that issue.

When it comes to corrections, which is, I think, what you were asking about more directly, we see that not only are they more likely to have longer sentences, more likely to be subjected to the mandatory minimum because of the charges that I spoke about, but also they are more likely to be classified as a higher security once they get to prison because of the discriminatory nature of the classification system. For women, in particular, if you're classified as a higher security level, you're kept in more segregated conditions because they don't have specific security level institutions as they do for men. Women end up in a maximum security segregation unit within the penitentiary.

As we've been visiting the prisons, the Human Rights Committee has been seeing first-hand that it's disproportionally Indigenous and Black women who are in those units.

Senator Jaffer: Senator Pate, as a young lawyer, I remember my principal saying to me that when he was the judge and was sentencing people, he always knew that you don't throw the key away. Sooner or later those people have to return and be integrated back into society.

When I hear what you're saying and about the work that the Human Rights Committee is doing, have we forgotten that sooner or later these people will integrate into our community? How will they be able to integrate if the treatment they have received in prison does not help them to rehabilitate?

Senator Pate: Thank you very much for that really more of a comment than a question, but I'll take the opportunity to underscore, yes, that's exactly part of the challenge. We send people into prisons and they're kept in harsh conditions. As noted by the UN working group, we should be getting rid of segregation. If women are classified as maximum security, they end up living in segregated conditions. That's one of the observations that has been made internationally.

If you're in that condition, you're less likely to have access to programs, less likely to have visits, and you then cascade through the security system. You are therefore less likely to be released on conditional release into the community. All of this hinders your ability to move back into the community in a way that's safe for you and the community if you're one of those individuals.

(On motion of Senator McPhedran, debate adjourned.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Marc Gold, pursuant to notice of May 8, 2018, moved:

> That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, May 22, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: Honourable senators, the Standing Senate Committee on Fisheries and Oceans is engaged in a study on marine search and rescue. We are requesting permission to meet in relation to our study. A key witness relevant to Arctic search and rescue is going to be in Ottawa from Iqaluit that day. It's the only opportunity we'll have to meet with that witness, who is important to our study.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I would ask for leave that the sitting be suspended to resume at the call of the chair after a five-minute bell.

The Hon. the Speaker *pro tempore*: Is there leave to do this, honourable senators?

[*Translation*]

Senator Bellemare, could you explain the situation?

Senator Bellemare: Yes, the reason is quite simple. We are waiting for a response from the other place as to when we will receive the message regarding . . . Actually, we may have received a response.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Thank you, colleagues. I appreciate that everyone is wanting to have a sense of how the management of the message on Bill C-49 might evolve.

There are discussions taking place in the other place as to whether or not the message will be dealt with tomorrow. It will certainly be called. To ensure that the Senate is not delaying the message being received back and Royal Assent being granted, should that be the will of both the House of Commons and the Senate, I suggest the best course of action is that we adjourn today and come back tomorrow at noon to receive a message from the house, if the message is there, and deal with it so that Royal Assent can take place. Should the other place not deal with Royal Assent, we will convene at noon to adjourn until the Tuesday after the break.

The Hon. the Speaker *pro tempore*: Order, please.

Senator Harder, could you repeat the last few sentences, because some honourable senators were talking?

Senator Harder: Were the house to deal with the message from the Senate tomorrow and return a message to the Senate tomorrow, we would deal with that message and, if it is the will of the Senate, accept that message and deal with the Royal Assent of the legislation, if that is the will of the chamber.

If the other chamber does not deal with the motion in full tomorrow, given that we have to adjourn today to sit, we will come back tomorrow at noon and adjourn so that we aren't in the situation, which would be unfortunate, of receiving a message from the other place and we aren't here to deal with it.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for Senator Harder.

• (1640)

So the House of Commons sits tomorrow starting at 9 a.m., but you anticipate that if they were to deal with the message, it could take the morning, and so you would like us to begin our sitting tomorrow at noon instead of 9 a.m., which we typically would do?

Senator Harder: That is correct. I think it would be frustrating for senators if we were to sit tomorrow and not be assured of whether the message from the other place would be coming here. The predicted time at which we would have that assurance would be around noon.

I think it's important for this legislation and for the Senate to be in a position to receive the message and, if it is the will of the Senate, to proceed to accept the message and move to Royal Assent so that, before we break for a week, there can be an assurance for stakeholders as to what the situation is.

Should that not be the case, we will, of course, deal with this as the first priority coming back from the break.

Hon. Donald Neil Plett: Will the honourable senator take a question?

Senator Harder: Yes.

Senator Plett: Senator Harder, the way I understand, the other place will at least make some moves this evening. They may not be dealing with it, but they will make some moves this evening. So I suspect that, by tomorrow morning, we will have a pretty good idea as to whether they will be able to deal with this.

So although I do not entirely oppose your suggestion of sitting tomorrow, my strong suggestion is that we sit at 9 a.m., and then we can do what Senator Bellemare suggested a few minutes ago: suspend and come back if we, in fact, get the message. But if by tomorrow at 9 a.m. we find out that this probably isn't going

anywhere, then we can adjourn the Senate at that point if we are here. If we only come back at noon anyway, then we can't do anything until noon.

So I would strongly encourage you change your suggestion for us to sit at 9 a.m. and then make some decisions at that time.

Senator Harder: That's not something I would reject out of hand. My only concern with that is that the other chamber may not bring clarity to whether they will deal with the message we have sent.

Senator Plett: Then we —

Senator Harder: Sit or suspend, that's fine. Understand that my information is that the earliest we would receive a message back is by noon.

Senator Plett: But we may know before that.

Senator Harder: We may know before that, yes. But if honourable senators are prepared to convene at 9 a.m. to have a better sense of the day, that is fine. I was trying to obviate the need to convene at 9 a.m. and simply adjourn until noon. But I'm happy to propose, or have Senator Bellemare propose, along the lines of the honourable senator's suggestion.

Senator Plett: There are simply, Senator Harder, people who are travelling. If we know at 10 a.m. that we're not going to get message and suspend, it will allow people with noon flights and so on to make them. If we return at noon, most of the people probably aren't leaving until tomorrow night. I would strongly suggest that's the route we go.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): I don't have a question. I want to speak on debate for a moment on this subject. I want to be perfectly clear that this is a bill — Bill C-49 — that, when the government introduced it, the minister came in and lectured the Standing Senate Committee on Transport and Communications. He didn't present; he lectured us. He told us that he wanted this bill and he wanted it by Christmas and he didn't want any changes.

The Hon. the Speaker *pro tempore*: Senator Mercer, I don't mean to interrupt your debate, but we're trying to decide whether we're going to adjourn or sit tomorrow. We're not debating Bill C-49 or what the minister said. We are debating whether we come back tomorrow at noon or at 9 a.m.. We are not debating the motion or the bill.

Senator Mercer: I was about to say —

The Hon. the Speaker *pro tempore*: — ask the question or ask Senator Harder.

Senator Mercer: I agree with both Senator Plett and the Leader of the Government in the Senate. Either time is fine if we get it done but I'm a little fed up with the minister's attitude that he can't organize it to get it back —

The Hon. the Speaker *pro tempore*: I'm sorry. We're not discussing that. Order.

(At 4:45 p.m., the Senate was continued until tomorrow at 9 a.m.)

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